UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,151	02/27/2001	Denis Choulette	11345.031001	4013

22511 7590 01/20/2004		EXAMINER
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ART UNIT	PAPER NUMBER
2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/786,151	CHOULETTE ET AL.
	Examiner	**Art Unit**	
	Ly V. Hua	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 October 2003_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-46 and 54-65_ is/are pending in the application.

    4a) Of the above claim(s) _47-53_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30 and 54-60_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _31-46 and 61-65_ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _2/27/0_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

1.   The applicants have selected claims 1-19, 21-30 and 54-60, drawing to a television distribution system having a set-top box receiver/decoder, classified in class 725, subclass 25, for continued prosecution without traverse.

2.   The applicants, however, have not canceled Claims 31-46, and 61-65. For expediting the prosecution of the present application, the examiner will not address these non-selected claims 31-46, and 61-65.

3.   The applicant is to officially cancel these non-selected claims 31-46 and 61-65 upon responding to this Office action. Otherwise the examiner will cancel them without requesting for authorization from the applicants.

4.   The applicant is to officially cancel these non-selected claims 31-46 and 61-65 upon responding to this Office action. Otherwise the examiner will cancel them without requesting for authorization from the applicants. C

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5.   *Claim Rejections - 35 USC § 112*
</div>

a.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

b.   The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.   Claims 1-4, 7-16, 6, 54-60, 17, 18, 21-28, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a.   With regard to claim 1:

i.   The phrase "the data" (first occurrence) lacks antecedent basis.

ii.   The usage of such phrase such as "the or each ..." in the claim is confusing. The applicants are to avoid the usage of such phrase.

iii.   The direct object and indirect object being acted on by the providing step are not clear. Perhaps this is due to idiomatical problem. Notice that the prepositional phrase "with the set of access right assigned thereto in the memory of the receiver/decoder" cannot be an object or an indirect object.

iv.   The purpose for which the comparing step is done is not clear. Notice that no result of this comparing step is being used. It is not clear whether the providing step is affected by this comparing step.

v.   It is not clear how any of the recited steps or a combination of the steps supports the restricting set forth to claim in the preamble. Notice that the data stored in the memory has not been touched by any step. Even though a requesting party is said to request for access to the data, but no data has been accessed. Therefor the body of the claim does not support the method of restricting data access (or rather, restricting an access to the data in the memory of the receiver/decoder is not clear).

vi.   The usage of the term "receiver/decoder" is confusing, vague and indefinite. The applicant is to avoid using alternative notation in reciting claims.

vii.   It is not clear whether the "memory" (second occurrence) in the claim body is the memory (first occurrence) in the claim preamble.

b.   With regard to claims 2-4 and 7-16:

i.   The usage of the article "A" in these claims is not idiomatic. The applicant is to change article word "A" in these claims to "The" since the method according to claim 1 is a specific method, rather than any other non-specific method.

c.   With regard to claims 6 and 54-60:
    i.   The usage of the article "A" in these claims is not idiomatic. The applicant is to change article word "A" in these claims to "The" since the method according to claim 5 is a specific method, rather than any other non-specific method.

d.   With regard to claim 17:
    i.   The recitation of the preamble is not grammatically sound.
       (1) Notice that the recitation of the preamble is confusing.
           (a) It is not clear as to whether or not the "plurality of sets of access rights ." and the "identifier " are parallel with the "data" as being objects of the preposition "to" and being accessed – (If they are used as object of the preposition "to", then the conjunction "and" is needed before reciting the last object.
           (b) It is not clear whether the phrase "a plurality of sets of access rights being assigned to the data, ..." is used to modify the data or as a second object of the preposition "to" – (If it is used as a modifier, then it should rephrased in a subordinate clause).
           (c) It is not clear whether the phrase "an identifier for each party being stored ..." is used to modify the at least one party or as a third object of the preposition "to" " – (If it is used as a modifier, then it should rephrased in a subordinate clause).

e.   With regard to claim 18:
    i.   The claim depends on claim 17 and thus inherits the problem of indefiniteness therefrom.

f.   With regard to claim 21:
    i.   The term "arborescence of data" cannot be understood from the claim language, thus the claim language in claim 21 is not clear.
    ii.   The body of the claim does not support the preamble. Notice that:
       (1) The preamble is set forth to claim a method of recording the "arborescence" but the body of the claim does not show any direct object which is called "arborescence" that is being recorded.
           (a) In the preamble of, the object being acted on by the recording method is an arborescence, rather than an identifier;
           (b) In the body of the claim, the object being recorded/stored by the storing step is an identifier, rather than the arborescence.
    iii.   The phrase "the arborescence" (first occurrence) lacks antecedent basis.
    iv.   Claim 21 appears to be in some kind of error that causes the following:
       (1) The claimed invention cannot be comprehended and
       (2) Its limitations appear to be inconsistent with or closely related to those of claims 1, 6, 17 and 19.
    v.   It is not clear whether the phrase "in the arborescence of the data" is used as a modifier to indicate:
       (1) where the file or the directory is at or
       (2) whereto the identifier is to be stored by the storing step.
    vi.   It is not clear whether the phrase "immediately preceding that file or directory" is used as:
       (1) an adjective phrase to modify the identifier of the directory -- (if this is the case, then the significance for which the identifier is stored by the storing step is not clear) , or
       (2) an adverb to indicate relative to where the identifier is to be stored by the storing step – (if this is the case, then it is not clear as to why the identifier is stored thereat).
    vii.   It is not clear whether the arborescence or the data is "stored as files and directories".
    viii. The significance of where (i.e., immediately preceding a file or a directory) the identifier is stored is not clear.

ix.   The clause "storing ... an identifier ... immediately preceding that file ..." cannot be understood in that it is not clear whether the identifier is stored "immediately preceding that file" in term of time or memory/storage space.

x.   The word "any" cannot be understood as to whether it refers to the identifier or to the directory.

g. With regard to claims 22-28:

   i.   The usage of the article "A" in these claims is not idiomatic. The applicant is to change article word "A" in these claims to "The" since the method according to claim 21 is a specific method, rather than any other non-specific method.

h. With regard to claim 29:

   i.   Applicant's meaning of the phrase "the arborescence of data" cannot be understood from the recitation of this claim. What is that which is being considered to be the arborescence of data not clear. The meaning of the word "arborescence" in the claim itself is not clear.

   ii.   This claim has other limitation that are similar to those listed above as reasons for rejecting claim 21 and thus is rejected with the same.

i. With regard to claim 30:

   i.   This claim depends on claim 29, inherits the problem of indefiniteness therefrom and thus rejected with the same rationale applied against claim 29.

7.   MPEP section 2164.08(a) reads as follow:

2164.08(a)   Single Means Claim

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

8.

9.   Claims 29 and 30 are rejected under 35 U.S.C. 112, first paragraph.

a. With regard to claim 29:

   i.   This claim is directed to a single means claim, and thus is rejected under 35 U.S.C. 112, first paragraph.

b. With regard to claim 30

   i.   Claim 30 depends on claim 29 and thus inherits the problem of 35 U.S.C. 112, first paragraph applied against claim 29 above.

10.   Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

a. A person shall be entitled to a patent unless –

b.   (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12.   Claims 1, 5, 17, and 19 (and their dependent claims 7, 8, 9, 54, 55 and 56) are rejected under 35 U.S.C. 102(e) as being anticipated by Goertzel let al. (6,308,273).

    a.   As to claim 1:
          i.   Claim 1 claims:
          (1) A method
              (a) of restricting
                    (i)   data access
                    (ii)   in a receiver/decoder
                        1) having
                            a)   a memory,
              (b) the method comprising:
                    (i)   assigning
                        1) to the data
                        2) a plurality of sets of access rights,
                            a)   each set of access rights being assigned to at least one party;
                    (ii)   storing
                        1) the data,
                        2) the sets of access rights and
                        3) an identifier for each party
                        4) in a memory of the receiver/decoder;
                    (iii)   comparing
                        1) the identifier of a party requesting access to the data with
                        2) the or each identifier stored in the memory; and
                    (iv)   providing
                        1) the party
                        2) with the set of access rights
                            a)   assigned thereto
                            b)   in the memory of the receiver/decoder.

    b.   Goertzel et al (6,308,273 hereinafter Goerzel) teaches the method of Claim 1 in that Goerzel teaches:
          i.   a method which is:
           (1) of restricting
               (a) data access
              (b) in a receiver/decoder [i.e., element 60 of Figure 2]
                    (i)   having
                        1) a memory [i.e., element 112 of Figure 8]; and
           (2) comprising:
              (a) assigning [see "access rights assigned to user" (in Goertzel's Abstract and Brief Summary of the Invention)]
                    (i)   to the data
                    (ii)   a plurality of sets of access rights ,

                 1)   each set of access rights being assigned to at least one
                     party;

(b) storing [as shown in Figure 8]

        (i)   the data [i.e., OBJECT],

        (ii)   the sets of access rights [e.g., RO, WR, SYNC, DENY ALL]
        and

        (iii)   an identifier [e.g., XJones, SJonhson, VBaker, Team1, Team2,
        etc.] for each party

        (iv)_   in the memory [112] of the receiver/decoder;

(c) comparing [by element 118 of Figure 8 (see Goertzel's Detailed
Description, paragraphs 34, 39, 45, 61, 62; step 1202 of Figure 12)]

        (i)   the identifier of a party requesting access to the data with

        (ii)   the or each identifier stored in the memory; and

(d) providing [as shown in Figure 12, steps 1212 and 1214, (see also col. 9,
lines 20-43)]

        (i)   the party

        (ii)   with the set of access rights

                 1)   assigned thereto

                 2)   in the memory of the receiver/decoder.

c.   Claim 5 claims:

      i.   5. A method

          (1) of restricting

              (a) access

                  (i)   to data broadcast

                       1)   in a digital system,

          (2) said method comprising:

              (a) assigning

                  (i)   to the data

                  (ii)   a plurality of sets of access rights,

                       1)   each set of access rights being assigned to at least one
                          party;

              (b) storing

                  (i)   the sets of access rights and

                  (ii)   identifiers for the parties

                  (iii)   within the data;

              (c) transmitting

                  (i)   the data; and

               (d) at the receiver/decoder having a memory,

                  (i)   downloading and storing

                       1)   the transmitted data

                       2)   in the memory of the receiver/decoder;

                  (ii)   comparing

                       1)   the identifier of a party requesting access to the data with

                       2)   the identifiers stored in the memory; and

                  (iii)   providing

                       1)   the party

                       2)   with the set of access rights assigned thereto in the
                        memory of the receiver/decoder.

      ii.   Goertzel teaches the method of claim 5 in that Goertzel teaches:

          (1) 5. A method which is:

              (a) of restricting

   (i) access

     1) to data broadcast [i.e., the object named as OBJECT and being accessed]

       a) in a digital system [Goertzel's system is digital]; and

  (b) comprising:

   (i) assigning [see "access rights assigned to user" (in Goertzel's Abstract and Brief Summary of the Invention)]

     1) to the data

     2) a plurality of sets of access rights,

       a) each set of access rights being assigned to at least one party;

   (ii) storing

     1) the sets of access rights [e.g., RO, WR, SYNC, DENY ALL] and

     2) identifiers [e.g., XJones, SJonhson, VBaker, Team1, Team2, etc.] for the parties

     3) within the data [i.e., OBJECT];

   (iii) transmitting [by a creator (col. 9, line 29) of the object in order to make it available for storing in element 112]

     1) the data; and

   (iv) at the receiver/decoder [i.e., element 60 of Figure 2] having a memory [i.e., element 112 of Figure 8]:

     1) downloading [in order for the OBJECT to be stored] and storing [as shown in Figure 8, the OBJECT is being stored]

       a) the transmitted data

       b) in the memory [i.e., element 112 of Figure 8] of the receiver/decoder;

     2) comparing [by element 118 of Figure 8 (see Goertzel's Detailed Description, paragraphs 34, 39, 45, 61, 62; step 1202 of Figure 12)]

       a) the identifier of a party requesting access to the data with

       b) the identifiers stored in the memory; and

     3) providing [as shown in Figure 12, steps 1212 and 1214, (see also col. 9, lines 20-43)]

       a) the party

       b) with the set of access rights assigned thereto in the memory of the receiver/decoder.

 d. As per claim 17:

   i. Claim 17 claims:

   (1) 17. Apparatus

    (a) for restricting

     (i) access to

     1) data

       a) stored in a memory of a receiver/decoder,

     2) a plurality of sets of access rights

       a) being assigned to the data,

       b) each set of access rights being assigned to at least one party,

     3) an identifier for each party being stored in the receiver/decoder,

      (b) the apparatus comprising:
          (i)   means for comparing
                 1) the identifier of a party requesting access to the data with
                 2) the identifiers stored in the memory; and
          (ii)   means for providing
                 1) the party
                 2) with the set of access rights
                     a) assigned thereto
                     b) in the memory of the receiver/decoder.

     ii.   Goertzel teaches Claim 17 in that Goertzel teaches:
        (1) an apparatus which is:
          (a) for restricting
              (i)   access
                 1) to data [i.e., OBJECT], which data is:
                     a) stored in a memory [i.e., element 112 of Figure 8]
                          i)   of a receiver/decoder [i.e., element 60 of Figure 2], and
                     b) assigned [see "access rights assigned to user" (in Goertzel's Abstract and Brief Summary of the Invention)]with
                          i)   a plurality of sets of access rights,
                          ii)   [1]   each of which plurality of sets of access rights being assigned to
                          iii)   [a]   at least one party,
                          iv)   [I]   whose identifier is stored in the receiver/decoder; and
          (b) comprising:
              (i)   means [inherent in element 118 of Figure 8] for comparing [by element 118 of Figure 8 (see Goertzel's Detailed Description, paragraphs 34, 39, 45, 61, 62; step 1202 of Figure 12)]
                 1) the identifier of a party requesting access to the data with
                 2) the identifiers stored in the memory; and
              (ii)   means [inherent (or perhaps the instruction code written according to step 1212 of Figure 12) in order] for providing [as shown in Figure 12, steps 1212 and 1214, (see also col. 9, lines 20-43)]
                 1) the party
                 2) with the set of access rights
                     a) assigned thereto
                     b) in the memory of the receiver/decoder.

e. As to claim 19:
     i.   Claim 19 claims:
        (1) 19. A transmission system comprising:
          (a) means, [which is inherent in order for doing an assigning (see "access rights assigned to user" (in Goertzel's Abstract and Brief Summary of the Invention)], for assigning
              (i)   to the data [i.e., the object named as OBJECT in figure 10]
              (ii)   a plurality of sets of access rights [see Figure 10 for DENY ALL, RO, WR, SYNC that are stored in element 120],
                 1) each set of access rights being assigned to at least one party [see Figure 10 for element 120 being assigned to and

thus stored in element 112],
(b) means [i.e., element 112 of Figures 8 and 10] for storing
      (i)   the access rights [see to it that DENY ALL, RO, WR, SYNC
are in element 120],and
      (ii)   identifiers [see to it that X-Jones, S Johnson, V Baker, Team1,
Team2, Accounting, Corporate, Finance, etc. are identifiers that are
stored in element 120] for the parties
      (iii)   within the data; and
(c) means, [which is inherent in Goertzel's system so as to allow a creator (col.
9, line 29) of the OBJECT to make it available for storing in element 112] for
transmitting
      (i)   a bit stream including said data.

f.   As to claims 7, 8, 9, 54, 55 and 56:
      i.   These claims claim:
(1) Claim 7 claims a method according to claim 1, in which a further set of access rights
is assigned to at least one party whose identifier is not stored in the memory of the
receiver/decoder, such a party requesting access to the data being provided with the
further set of access rights.
(2) Claim 54 claims a method according to claim 5, in which a further set of access
rights is assigned to at least one party whose identifier is not stored in the memory of the
receiver/decoder, such a party requesting access to the data being provided with the
further set of access rights.
(3) Claim 8 claims a method according to claim 1, wherein a particular set of access
rights is assigned to one party only, preferably the author of the data.
(4) Claim 55 claims a method according to claim 5, wherein a particular set of access
rights is assigned to one party only, preferably the author of the data.
(5) Claim 9 claims a method according to claim 1, wherein a particular set of access
rights is assigned to a group of parties, identifiers for each of the members of the group
being stored in the memory of the receiver/decoder.
(6) Claim 56 claims a method according to claim 5, wherein a particular set of access
rights is assigned to a group of parties, identifiers for each of the members of the group
being stored in the memory of the receiver/decoder.
      ii.   Goertzel teaches that his access rights are assigned to one party only [e.g., SJones] ,
group parties [e.g., teams].

13.   Claim Rejections - 35 USC § 103

14 .   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set
forth in this Office action:

15.   A patent may not be obtained though the invention is not identically disclosed or described as set forth in
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
that the subject matter as a whole would have been obvious at the time the invention was made to a person having
ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
which the invention was made.

16.   Claims 2, 3, 4, 6, 10, 11, 57, 58, 12, 13, 14, 15, 16, 59 and 60 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Goertzel et al (6,308,273) as applied to claims 1 and 5 above further in view of common practice
in the art.

17.
    a. As to claims 2 and 3:
        i.   Claim 2 claims a method according to Claim 1, wherein the sets of access rights are stored in a header for the data.
        ii.   Claim 3 claims a method according to claim 1, wherein the identifiers for the parties are stored in a header for the data.
        iii.   Official notice is hereby taken that storing information/code (such as ID, IP address, access privileges, authentication ID, etc.) associating with data in a header of the data is a common practice in the art.
        iv.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:
                (1) store identifying/access-right codes (such as that of Goertzel) in a header of the data with which the codes is associated since it is a common practice in the art to transmit a stream/packet of data that is to be protected; and/or
                (2) to store an identifier such as "Series9" in the Figure above in a header of either a file or directory.
        v.   The skilled person would have been motivated to do such storing because, for example, Katz et al (5,926,624) teaches an identifier can be stored in a header of targeting identification purposes. [See paragraphs 38th and 41 of Katz et al.].

    b. As to claims 4 and 6:
        i.   Claim 4 claims a method according to claim 1, wherein
                (1) the data is downloaded from a bit stream transmitted by a transmitting system,
                (2) the sets of access rights and identifiers for the parties being stored with the data at the transmitting system.
        ii.   Claim 6 claims a method according to Claim 5, wherein the data is transmitted in a digital data stream.
        iii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to transmit a stream/block of data and its header information/code (such as that of Goertzel) from one communication node to another.

    c. As to claims 10, 11, 57 and 58:
        i.   These claims claim:
                (1) Claim 10 claims a method according to claim 1, wherein a set of access rights is used to determine whether a party is prohibited from reading the data.
                (2) Claim 11 claims a method according to claim 1, wherein a set of access rights is used to determine whether a party is prohibited from overwriting the data.
                (3) 57. A method according to claim 5, wherein a set of access rights is used to determine whether a party is prohibited from reading the data.
                (4) 58. A method according to claim 5, wherein a set of access rights is used to determine whether a party is prohibited from overwriting the data.
        ii.   These types of access rights are well known in the art. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to assign users these type of access rights to data (such as that of Goertzel so as to control access of such data.

    d. As to claims 12, 13, 14 15, 16, 59 and 60:

        i.   These claims claim:
                (1) 12. A method according to claim 1, wherein the data is stored as files and directories in the memos of the receiver/decoder.
                (2) 13. A method according to Claim 12, wherein the arborescence of the files and directories is recorded in the memory of the receiver/decoder.
                (3) 14. A method according to Claim 13, wherein an identifier of the directory, if any,

immediately preceding a file or directory in the arborescence of the data is stored in association with that file and directory.

(4) 15. A method according to Claim 14, wherein the identifier is stored in a header of that file or directory.

(5) 16 . A method according to claim 1, wherein the data is stored in a Flash memory volume of the receiver.

(6) 59. A method according to claim 5, wherein the data is stored as files and directories in the memory of the receiver/decoder.

(7) 60. A method according to claim 5, wherein the data is stored in a Flash memory volume of the receiver/decoder.

(8) Goertzel teaches that his data is stored.

    (a) It would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that data such as that of Goertzel can be stored in any storage/memory available and transferred and coppied so as to make such data available where they are needed.

    (b) It would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that any block of a Flash memory that reserved for storing data/code/information stored in a dedicated block reserved for that purpose. Dedicating a block for storing data/code/information is not new, but rather notoriously old and well known.

    (c) It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

        (i) store data in any device/medium/computer/paper as long as that device/medium/computer/paper is available for making the storing of the data thereto; and

        (ii) transmitting data from one node in a network to another node for storing thereto.

    (d) It would have been obvious to a person having ordinary skill in the art at the time the invention was made to store data in any kind of memory that can be used for storing such data. Notice that Flash memory and Flash memory volume are existing memory and are where data can be stored. Storing data into a Flash memory does not have any novelty since it is notoriously old and well known in the art.

e. 18. A receiver/decoder comprising
    i.   a memory
       (1) for storing
          (a) data,
          (b) a plurality of sets of access rights assigned to the data and
          (c) an identifier for each party, and
    ii.   apparatus
       (1) for restricting
          (a) access to the data
          (b) as claimed in Claim 17.

18.   Before listing the reasons for rejecting claims 21-28, 29 and 30 the examiner suggests that the applicant file these claims in a separate application as a division of the present application, since these claim are directed to a subcombination of the combination presented in claims 1-16, 5, 6, 54-60, 17, 18 and 19. It appears that this subcombination does not need to be combined with combination, but rather it can be stand alone and applicable to other combinations that does not need the combination such as that of claims 1-16, 5, 6, 54-60, 17, 18 and 19.

19.   *Claim Rejections - 35 USC § 102*

20.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

>   a.   A person shall be entitled to a patent unless –

21.   the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

22.   Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Windows NT (known in the art at least since 1993 {see Inside Window NT $_{(TM)}$ for a date at which Windows NT was published}.

>   a.   As to claim 21:
>>   i.   Claim 21 claims:
>>   (1) 21. A method
>>   (a) of recording
>>   (i)   the arborescence/[a range of] of data
>>   1)   stored as files and directories,
>>   (b) said method comprising the step of
>>   (i)   storing
>>   1)   in association with each
>>   a)   file and
>>   b)   directory
>>   2)   an identifier
>>   a)   of the directory, if any,
>>   3)   immediately preceding that file or directory
>>   4)   in the arborescence/[the range of] of the data.

>>   ii.   Even thought claim 21 is extensively rejected under 35 U.S.C. 112, second paragraph, as above, the examiner attempts to interpret it and address it with art rejection as follow:
>>   (1) The examiner interprets that:
>>   (a) The phrase "arborescence of data" means a range (variety, multiplicity, array, scope, series or collection) of data.
>>   (b) There is a range of data, which range of data includes files and directories.
>>   (c) A certain identifier may be associated with each directory, which directory of course has files in it.
>>   (d) The identifier can be stored immediately preceding the file(s) of the directory (or the directory).
>>   (2) First of all, the examiner presents that:
>>   (a) Storing an identifier immediately preceding a directory has no novelty and cannot be patented.
>>   (i)   Please see the image below (which is notoriously known to be in the computer art before Applicant's claimed priority date of September 16, 1998 as it is at least known by users of Windows NT) that:
>>   1)   "Series9" in the fourth column is an identifier stored immediately preceding the files or the directory, which "Series9" is in association with each file and directory in the fifth column.
>>   2)   The examiner used Windows NT in his computer to create the identifier Series9 that is in the fourth column and store it in his computer immediately preceding his storing of the directories or files that are in the fifth column.
>>   3)   The range (i.e., the arborescence) of data is all type of data files inside the directories and the three files shown in the

fifth column.

(b) From the above observation, Windows NT teaches Claim 21 in that
Windows NT teaches:
       (i)   recording
           1) an arborescence [a direct object being acted on by a
           recording]
                a) of data
                      i) stored as files and directories,
           2) comprising the step of
                a) storing
                      i)   in association with each file and
                      directory
                      ii)   an identifier [an object being acted
                      on bye the storing step] of the directory, if
                      any,
                      iii)   immediately preceding that file or
                      directory
                      iv)   in the arborescence/(a range of) of
                      the data.

⊟ (C:)	⊟ Docs	⊟ Alyhuadi	⊟ Lyaction	⊟ Series9
File Edit View	File Edit Vie	File Edit View	File Edit View Go Favo	File Edit V
← Back ▾ Forw	← Back ▾ Fc	← Back ▾ Forwar	← Back ▾ Forward ▾	← Back ▾ F
Address ⊟ C:\	Address ⊟ C:	Address ⊟ C:\DOC	Address ⊟ C:\DOCS\ALYHL	Address ⊟ C
892	Access	Canh Viet Nam	Amendments	90d2
97html	acrobat4	Class713	Form Various Kinds	91d2
Action32	Alyhuadi	CLASSIFICATION	formwrtr	92d2
Apps	Binder	Lyaction	Pct	93d2
Ctcm	Chemdraw	LyBitmaps	Quality	94d2
Dlinkwin	Custom61	LyExcel	Restriction	95d2
Docs	Excel	LySolvit	Rules & Laws	96d2
Drivers	Forms	PhoneNumbers	Series10	98d2
execwin	formwrtr	PlusSearch	Series9	99d2
Fonts	Help Desk For	Recent	Signatory Program II	Abstract.wpd
Formflow	insight	Reclass	Temperlate for Office Action	Reject.wpd
Hpdesk	Mail	Temporary	Train New Examiners	Reopen.wpd
Hpfonts	Netscape	i-134.pdf	WorkQuality	
Hpw3	oacs	Subclass.wpd	112mau.wpd	
ie5inst	OacsCfg	Timvo.wpd	112rej.wpd	
insight	Powerpnt		119(e)cl aim	

23.

   a.   As to claim 22:
       i.   Claim 22 claims:
           (1) 22. A method according to Claim 21, wherein the identifier comprises a unique code
           assigned to the directory.
       ii.   Windows NT teaches that a unique code (e.g. "Serios9" in the figure above) can be

assigned to a directory.

24.   *Claim Rejections - 35 USC § 103*

25.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

26.   Claims 23-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Windows NT as applied to claim 21 and further in view of common practice in the art.

   a. As to claim 23:
       i.   Claim 23 claims:
       (1) 23. A method according to claim 21, wherein the identifier is stored in a header of the file or directory.
       ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to store an identifier such as "Series9" in the Figure above in a header of either a file or directory.
       iii.   The skilled person would have been motivated to do such storing because, for example, Katz et al teaches an identifier can be stored in a header of targeting identification purposes. [See paragraphs 38th and 41 of Katz et al.].

   b. As to claim 24:
       i.   Claim 24 claims:
       (1) 24. A method according to Claim 23, wherein at least part of the data is stored in a Flash memory volume, preferably wholly within the Flash memory volume.
       ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to store data in any kind of memory that can be used for storing such data. Notice that Flash memory and Flash memory volume are existing memory and are where data can be stored. Storing data into a Flash memory does not have any novelty since it is notoriously old and well known in the art.

   c. As to claim 25:
       i.   Claim 25 claims:
       (1) 25. A method according to Claim 24, wherein a virtual arborescence of the data stored in the Flash memory volume is created and stored in a RAM memory volume.
       ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to create a range of data for one type of memory and store them in another memory. Notice that copying/transferring/duplicating data from one memory to another memory is not new, but is rather notoriously old and well known in the art.

   d. As to claim 26:
       i.   Claim 26 claims:
       (1) 26. A method according to claim 24, wherein the header of a file stored the Flash memory volume is stored in a dedicated block of Flash memory.
       ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to realize that any block of a Flash memory that reserved for storing

data/code/information stored in a dedicated block reserved for that purpose. Dedicating a block for storing data/code/information is not new, but rather notoriously old and well known.

    e.   As to claim 28:
          i.   Claim 28 claims:
          (1) 28. A method according to claim 21, wherein the data is stored in a receiver/decoder.
          ii.   It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:
          (1) store data in any device/medium/computer/paper as long as that device/medium/computer/paper is available for making the storing of the data thereto; and
          (2) transmitting data from one node in a network to another node for storing thereto.

27.   Claim Rejections - 35 USC § 102

28.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

    a.   A person shall be entitled to a patent unless –

              (a) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

29.   Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nathan et al (5,484,196 hereinafter Nathan).

    a.   As to claim 29:
          i.   Claim 29 claims:
          (1) 29. Apparatus
              (a) for recording
                    (i)   the arborescence
                        1) of data
                            a) stored
                                i)   as files and directories,
              (b) said apparatus comprising
                    (i)   means
                      1) for storing
                          a) in association with each file and directory
                          b) an identifier of the directory, if any,
                          c) immediately preceding that file or directory
                          d) in the arborescence of the data.
          ii.   Nathan et al (5,485,196 hereinafter Nathan) teaches an arborescence of data. [See Abstract and claims 36 and 19 of Nathan et al]. This "arborescence" is thus stored as it is of data. See to it that Nathan teaches "means ... comprise a device for memorizing ... identification of the user in the arborescence..." This device of Nathan et al reads on applicant's apparatus, wherein applicant's means for storing reads on the means for memorizing of Nathan et al.

    b.   As to claim 30:
          i.   Claim 30 claims:
          (1) 30. A receiver/decoder comprising apparatus according to Claim 29.
          ii.   This claim has limitations that are similar to those of claim 29 and thus rejected with the same rationales applied thereto.
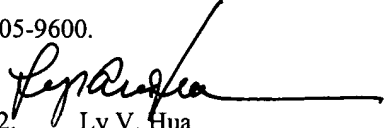
30.   Any inquiry concerning this communication or earlier communications
from the examiner should be directed to Ly V. Hua whose telephone number is
(703) 305-9684. The examiner can normally be reached on 1.
    a.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu

    can be reached on (703) 305-4393. The fax phone number for the organization where this application or

    proceeding is assigned is (703) 872-9306.

    b.   Any inquiry of a general nature or relating to the status of this application or proceeding should be

    directed to the receptionist whose telephone number is (703) 305-9600.

31.

32.   Ly V. Hua
33.   Primary Examiner
34.   Art Unit 2131

35.   Lvh
36.   January 12, 2004